

A Reconciling LETTER, upon the late Differences about *Convocational* Rights and Proceedings, as manag'd by those who have maintain'd the Liberties of the *Lower Clergy*. 1726 *As presented by Andrew*

THE Call of a new Parliament, which of Course brings with it a new Convocation, has put us to some Trouble in this Diocese about electing of Proctors. Time was, when our ordinary Brethren declin'd the Honour, because they were afraid of the Expence of it. We were then glad to devolve the Office upon two of the richer Clergy, who keeping resident Curates, might be the better spar'd from their respective Churches; and who having some other Call to your Town, made their Attendance at *St. Pauls* or *Westminster* lighter and more convenient to them. But Times or Humours are a little chang'd, and we seem now to have as much *Canvassing* (they call it) for Members of Convocation as for those of Parliament: and by degrees, I am afraid we shall run into more Corruption than can possibly obtain in little Boroughs. For I think the Law of restraining Abuses does not yet extend to our Convocational Elections; nor is it yet any Bribery for a rich sociable Clergy-Man to make much of his poorer Brethren.

I was considering the Reasons of this Alteration, and I perceive it owing to some learned Discoveries of Dr. A. and one or two more; that though we have *slept over our Privileges* for near forty Years, yet 'tis now time to awake and retrieve them. For 'tis plain, that the Lower Clergy ought to be always called to Parliament: that such Parliamentary Writs are sent to every Bishop of a Diocese in effect as they are to every Sheriff in a County; at least, that the principal Writ to each Bishop as a Spiritual Baron has a concomitant Clause in it call'd *Præmunientes*, by which the Bishop is to summon Dean, Archdeacons, one Cathedral, and two Diocesane Proctors, to appear in Parliament. And though the Clergy are immediately summon'd to Convocation by a Provincial Writ to a Provincial Assembly, under the Head of the Province the Archbishop; yet this is but to pursue and to corroborate their Call to a National Parliament: So that when they come together, they are a Parliamentary Body, and an Essential Part of the Constitution. And the Lower Clergy make the House of Spiritual Commons immediately summon'd by the King, to be under a Prolocutor of their own Choice, who next to the King is Head and President of the Lower House, as the Archbishop is of the Upper: Or in some Respects greater than the Archbishop, who is but *Chief Member*, and cannot be properly called a President. Hence the two Houses of Bishops and Presbyters being co-ordinate from their Parliamentary Relation, the Lower Clergy have all the *Rights* belonging to the *Notion of a House*, and cannot be denied any Power, the want of which

would destroy the *Nature of a House*, and defeat the *Ends* of it. That this Lower House have the Command of their own Members, can require their Attendance, can punish their Absence, can determine their dubious Elections, and oblige them to all Rules and Orders, under the Pains of incurring the Displeasure of the House, and being censured by the Votes of the Majority. So likewise in Communication with their Lordships, this Lower House has a Right of disagreeing to the Proposals of that *other House*: can send any of their Members without the Prolocutor to carry Messages and to offer Debates to them: can answer their Lordships in Writing, or can refuse so to answer: can demand a free Conference with them: can deny to meet their Lordships in a Committee: can postpone or even reject the Archbishop's Schedule of Prorogation: can challenge the Right of Sitting and Rising at Discretion: can independently adjourn themselves: can meet upon intermediate Days without any concurrent Session of their Lordships: can chuse a Clerk or Actuary of their own: ought to have the Custody of their own old Journals: can deny their Lordships the Sight of their present Minutes: can of Right claim the Inspection of their Lordships Acts: can censure any suspected Books or Writings: can prefer special Articles against any one Bishop; and can give a *Canonical Redress* to any *other*, who has been aggrieved by the Metropolitan: In a Word, can now exercise all the Rights, Privileges, and Powers that can possibly make the Clergy (as distinct from the Bishops) great and considerable in this Church and Nation.

We of the same Order (call'd *Inferiour* to Episcopacy) cannot but admire those learned Persons who have begun to recover those Rights, which others have been so long sleeping over. And above all, we cannot but applaud the prime *Patron of a Synodal Church*, Dr. *Atterbury*, who began the Controversy in our Defence, and has declar'd He will never drop it. We cannot but farther commend All those zealous Brethren of Ours, who in the late Convocation struggled for these lost Liberties with a great deal of Courage and Resolution, when, as the Author of *the Power of the Lower House* observes, it was manifest to the World, what a Degree of Servitude my Lords the Bishops endeavour'd to impose upon the Clergy. (p. 2. c. 1.) We are many of us here inclin'd to hope, that they may be able and willing to begin the new Synod, where the old One broke off. And so to prosecute the good Cause of Us Presbyters, till We the Spiritual Commonalty are a proper Balance at least to my Lords the Bishops.

have all the Rights belonging to the Notion of a House, & cannot be denied any Power, the want of which
 to the Bishops to Parliament were the same with the Kings with the two Houses
 Hence a National Synod which they in Council call a parliamentary assembly
 a Parliament Convention affecting that name of the only known form of
 government which they should have taken under the power of the King
 prerogative only as they now fight word & endeavor to defend. The
 parliamentary interest against their free Divine right & have never
 entered the true Parliamentary mind of the Bishops distinct from that of the Bishops
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 Parliament which there never was any such thing but a national Synod & end

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There is but One thing that shocks a few tender Men, and that is, Some of our own Brethren have sided with the Bishops against Us. And these pretend, that the Convocation in pursuance of the King's Writ, is convened by the Archbishop's Mandate; which Mandate is executed by the Dean of the Province; who transmits it to all the Comprovincial Bishops; and They by Canonical Obedience cite the standing Members, and enjoin the electing of Proctors; and then make their Returns for each Diocese (as the Dean does his Certificatory for the whole Province,) to the Archbishop Only: before whom the Convocation is held. That his Grace therefore is President of the whole Body. That All the Members are accountable to Him only for their Appearance. That He refers the punishment of their Contumacy to Himself Alone. That He Alone can give leave for the Absence of Any of em. That He can prescribe the proper Rules and Directions for a Communication between the two Houses. That He Continues and Prorogues the whole Convocation of the Prelates and Clergy of his Province, by a Schedule read and sign'd in the Upper House, and then sent down to the Lower, to be intimated or made known to the Clergy, who are All included in it. That the Lower House have indeed a Negative in All Synodical Acts or Decrees (which yet cannot be without the King's License,) but in all other preparatory Methods, They are under the Conduct of the Archbishop, who acts with the consent of his Suffragans. So that without the Metropolitan's Authority, and a concurrence of the Comprovincial Bishops, the Lower Clergy can do Nothing that is significant in an English Synod. Several Writers that would seem to be acquainted with the History and Laws of this Church and Kingdom, have fell into this Way. And a certain Number of Members in the Lower House of this last Convocation, who were represented by their Friends as Wise and Good Men, did espouse the same Episcopal Cause, and did all along oppose the Majority of their Brethren.

These Few Men, and some Others of like Opinion, have objected hard things against the Writers on our Side. They say, Dr. Atterbury and Mr. Hill, who join in the same Cause or Defence of Convocations, are as wide in their Principles as East and West, never to be reconcil'd. They say, that Dr. Atterbury made two Editions of the same Book, directly contradicting One Another in many material Points. That in both Editions He kept to the one Design of lessening the King's Prerogative in Convocational Affairs. And yet, that He is since engag'd in a meer opposite Argument, of advancing the Royal Prerogative much beyond the Act of the Clergy's Submission; and much beyond the Claims of any former Reign: by making the Synod purely subsist by the King's Writ; by rendering the Archbishop an Instrument only of the King, and wholly Ministerial to Him. For, they presume Dr. A. to be the Author of the three Sheets, Entitled, *The Power of the Lower House of Convocation to Adjourn it Self, &c.* wherein they pretend, He has brought the Church to a kind of absolute Subjection to the State;

has releas'd the Presbyters from all Canonical Obedience to the Archbishop and Bishops; has set up for a Power in the Lower House, which was never before imagin'd; and cannot be now exercis'd without destroying the Constitution of an Episcopal Church. That He has attempted to prove this by Reasons, which They call meer Fallacies; and by Facts, which They assert to be perfect Falshoods. That He has set off the Notion with such Turns and Reflexions as They complain of, to be Anger and Bitterness of Spirit. And especially, that He has took occasion to be unjust to Dr. K. in charging Him with the want of Sincerity about omitting a Clause in the Archi-episcopal Mandates; when yet Another, who has reply'd in *The Right of the Archbishop to Continue or Prorogue the whole Convocation, &c.* does justify the Care and Integrity of Dr. K. and throws back the Charge of Falshood upon Him that made it: And This under the Attestation of a Publick Notary, to make the Fact more Apparent, and the Conviction more undeniable. They say farther, that some Principal Members of the Lower House, who agreed in the late Measures of opposing the Archbishop and Bishops; have since differ'd much in their Principles, and have somewhat cool'd in their Affections to One Another. So, as were They now to Proceed in the Ways wherein They first set out, They could hardly hold together.

But, it is not worth concerning Our selves in Personal Piques and Quarrels. The only Objection on our Side that I desire to Answer, because it is often cast at Me, is *Our Writers disagreeing in Defence of the same Cause.* For those who dissented from Us do often object, That our several Writers have took each a contrary Hypothesis to maintain the Rights of the Lower Clergy; by which they so much interfere in their Notions and Arguments, that they perfectly confound the Power they are contending for. This now is an Objection, that Every One who reads the Books can understand; and 'tis indeed an unhappy Objection. For, while We are putting in the same Common Claim, We should form our Right upon the same Bottom; or else it will make People suspect, that We have no Right at all. To clear up this Objection, and reconcile the seeming Differences among our own Writers, I have laid before Me the chief Tracts, *The Rights, Powers, and Privileges of an English Convocation*, 2d Edit. Octav. *The Power of the Lower House to Adjourn it Self*, in three Sheets. And the *Narrative of the Proceedings of the Lower House of Convocation*, Quarto, with the Notes in the Margin, and the Preface of the Publisher. And I must confess upon collating of them, I do find some Matters of Opinion and some of Fact so variously stated, that I must beg the benefit of your Judgment, how to extricate my self out of some Doubts and Difficulties; which to Reject, and which to Believe.

I. As to the Constitution of All Primitive Synods. Dr. A. does expressly teach, that in the first Christian Churches, the Authoritative Part of all Ecclesiastical Meetings was compos'd of the Bishops and Presbyters: Rights, Powers, &c. p. 5. And that in our own Nation

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national Church from the very Beginning, the Bishops brought Presbyters with them, as the Constituent Parts of all our Provincial Synods, ib. p. 9, &c. But then the Publisher of the Narrative advances a Doctrine directly contrary. He says, *The Archbishop and Bishops of the Province Alone, being presum'd to bring the consent of their Presbyters along with them, compos'd the whole Provincial Synod*: So that, if the Metropolitan and his Brethren adjourn'd the whole Synod, what wonder they adjourn'd only themselves, Pref. p. viii. Resolve me, Sir, in this Original Constitution of Provincial Synods, Which Opinion shall I adhere to? That of Dr. A. that Presbyters came alway with the Bishops to make up the Council? Or, that of the Prefacer, that Bishops sat in Council Alone, long before they admitted Presbyters to sit with them?

II. As to the present Constitution of an English Provincial Synod or Convocation, Dr. A. would give it a Civil Capacity, and make it a Parliamentary Body, and an Essential Part of our Constitution: This is the whole design of his Rights, Powers, &c. But the Author of the Power of the Lower House, is a little more reserv'd: He grants, there is no Parity in Constitution between Parliament and Convocation in All cases, but in Some only, (p. 2. c. 2.) He would have the correspondence a little more close and lasting between Bishops and Clergy than between the two Houses of the Temporality, (p. 19. c. 2.) Yet he makes the distinction of the two Houses, and their separate Right of Adjournment to come all from their Parliamentary Relation, &c. and whatever Rights and Privileges are absolutely and indispensably necessary to the Being of a House (in the Parliamentary sense of the Word) the Lower House of Convocation, must have by virtue of their Origin and Alliance, (ib. p. 2. c. 2.) When yet, after both these Writers, comes the Editor of the Narrative and denies All. He is angry it was ever thought of. He accuses the Writer of the first Letter for a false Charge upon them, in objecting, That the Lower Clergy would not only be considered as a Meeting purely Ecclesiastical, but would reckon themselves to sit under a Civil Capacity also. This, says the Editor, is a very extraordinary degree of Assurance, and the first Instance I have met with of any body so hardy as to think, he could impose so much on the Understanding, as to persuade Men that they assent to Propositions, which they PROFESTLY DENY, &c. (Pref. p. xi.) Pray inform me, to which Notion I may subscribe: Whether to the Convocation, being a Parliamentary Body and Part of Parliament, as Dr. A. has made it? Or, to the Convocation having a Parliamentary relation, and such an Origin and Alliance, as that the Lower Clergy must have all Privileges necessary to the Being of a House in the Parliamentary sense of the Word, as P. L. H? Or, to the nature of our Convocations being purely Ecclesiastical, and nothing more false than their Sitting in a Civil Capacity, as the Publisher of the Narrative?

III. As to the PRÆMUNIENTES Clause in the Bishop's Parliamentary Writ. Must This be now Executed as Beneficial to the Clergy, and even necessary to the Constitution? Or, since the Reason of the Clause is ceas'd, and the formal Execution of it has been intermitted for many Years, Is it needless now to revive it? And will the Provincial Writ of the King with the Archbishop's Mandate, be sufficient to bring the Clergy to a complete Synod and legal Convocation? I find our Writers divided. Dr. A. in the Second Edition of his Rights, Powers, &c. is positive, That the Præmunientes in the Bishop's Writ, is not a dead insignificant Form, but has had its constant effect on the Lower Clergy; who, by virtue of it, have made their Returns All along, and paid their Attendance in Parliament, (Addend. p. 627.) And He is earnest with my Lords the Bishops, to consider of how great Moment it is towards preserving the Constitution, and the Rights of their Clergy, to preserve the regular Execution of their Writs of Summons for the Parliament, (ib. p. 628.) and is free to tell them, That their future Omissions shall not pass under the soft Name of NEGLECTS, but will have some harsher Censure bestow'd on them, (ib. p. 629.) And yet the Author of the Power of the Lower House forms no such Argument on the Clergy being pramonish'd to come to Parliament, which had given the most proper Right to those Privileges of a Parliamentary House, which he asserts to the Lower Clergy. But He all along argues, That the Authority by which the Convocation meets, is by the King's PROVINCIAL Writ, upon which the Archbishop frames his Mandate, (p. 3. c. 1.) The Narrative likewise drops the mention of the Præmunientes, and thinks the Cause good without it; tho' in their particular Claims, I must confess, I think that one Argument had been worth a hundred. But the Publisher of that Narrative, He is more than Negative in that Matter; He plainly gives it up for useless and insignificant: He says, were the Præmunientes Clause executed, it would indeed be a means of bringing Us together; but could not alter the nature of the Synod when met, which would then be a Meeting as purely Ecclesiastical, as it is at present, (Pref. p. xii.) I would not have our Enemies Report believed, That the Execution of the Præmunientes was a meer Plot to support the Lower Clergy in their Exemption from the Synodical Power of the Archbishop and Bishops; and to give the Lower House in Convocation all Parliamentary Privileges by that Call to Parliament. But when they found that Some Bishops would not as yet execute it, and Others knew not as yet how to make their Returns upon it: Now they are content to drop it, or to insist no longer on the Necessity and Advantage of it. I would not believe such idle Suggestions; and therefore shall still suspend my Opinion, whether the Præmunientes ought to be executed, as bringing

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not of sufficient importance for sending with the Præmunientes in a separate manner to the Lower Clergy or to the Archbishop but as by hand of the Archbishop to the Lower Clergy

It will be manifestly his to the Lower Clergy both

ing the Clergy to Parliament, and Keeping up their fundamental Rights and Privileges as a Parliamentary Body? Or whether it may continue to be Omitted, because the Execution would answer no Effect, but only bring the Clergy more together, and leave them a purely Ecclesiastical Meeting, if they should be so brought together?

IV. As to the Authority by which our Convocation is now Summon'd. If the *Præmunientes* were duly executed, No one questions but the Summoning Power is there purely Regal, and the Bishops would be only Ministerial or Instrumental in executing the King's Writ. But since the Convocation is now assembled, not by the Diocesan Writs to each Bishop, but by the Provincial Writ to the Archbishop, and then by his Graces Mandate to the Dean of his Province to be executed by all the Suffragan Bishops. Then it seems a Question may arise, whether the Authority of convening such a Provincial Assembly is purely Royal? Or whether the Archbishop by virtue of a Written License and Command from the King, does not call the Clergy before Himself by his own Mandatory Letters, to be executed by his Suffragans upon Canonical Obedience, so as to make the Summons not purely Royal since the Reformation, but still as formerly Ecclesiastical and Synodical? Dr. Atterbury did allow our Convocations to be regularly Summon'd by the Archbishop's Mandate, when his Grace was at liberty to do it by the King's Writ. And therefore He says, When the Crown began to issue out Writs for the Convocation, it was to command the Archbishops to Assemble the Clergy of their Provinces. (*Rights, Powers, &c.* p. 494.) And the same Royal Writs and Archiepiscopal Mandates being used since the Reformation as were before, there can be no Alteration in the Summoning Power. For since the Words of the Writ are the same NOW as they were THEN, the meaning of them must be the same too: For tho' the 25. of H. viii. abridg'd the Convocations Privileges in several respects, yet it could not make the Words of their Writ signify otherwise than they did, when they were FIRST inserted. (ib. p. 464.)

But the Vindicator of the Power of the Lower House is clearly of another Mind. He says, Since the Act of Submission, the Archbishop's share in convening his Clergy is no longer Authoritative but Ministerial. That the Authority by which they are assembled is now purely Royal. That the Archbishop only executes the King's Writ: And there is no Summoning Power in his Grace of Canterbury but what is purely Ministerial. He is the King's Instrument only, and the proper Officer to execute the Royal Summons, &c. (*Power of L. H.* p. 3.) Which, I pray Sir, is most Probable? That the Archbishop has liberty by the King's Writ to issue out his own Mandate to call the Clergy of his Province before Himself in an Ecclesiastical manner, by virtue of his Metropolitan Right and their Canonical Obedience, according to old Custom and the Constitution of Provincial Synods, and ac-

cording as Dr. A. once taught Us? Or whether the Protestant Archbishop is an Instrument only in the King's Hands, and a proper Officer to execute his Royal Writ, as that later Writer does now instruct Us?

V. As to the Antient Metropolitan Rights of the Archbishop of Canterbury. It is certain, He had once a Power independent on the King, to Call, and to Prorogue, and to Dissolve the Synods of his Province. But it has been question'd from whence He deriv'd this Power. Had he it as a Metropolitan from the Constitution of the Primitive Church? Or as a Legate Born, did He borrow it with his Title from the Popes of Rome? Dr. Atterbury has satisfy'd Me, that it was not as Papal Legat, but as pure Metropolitan. The Archbishop needed no help from his Legatin character to convene the Clergy of his Province, which he was sufficiently empower'd to do, as Metropolitan by the old Canons of the Church receiv'd and allow'd in this Kingdom. And accordingly by this Metropolitan Power, the Archbishops all along call'd Provincial Councils before any of 'em were the Popes Legates. (*Rights, Powers, &c.* p. 485.) But then the Narrative raises a Doubt, whence this Authority was deriv'd, and how long it has obtain'd? If it belong'd to Him in his Legatin capacity, We know the Date of it. If his Metropolitan be PRETENDED for it, Every one knows under what Restraints it first was: By what Steps it rose higher; and by whose Concessions it so Commands. That his Presidency over his Comprovincials was founded in the Precedency of his City, &c. (*Narrat.* p. 30.) Not implying, that the same Regard ought to be still had to the Precedency of Cities in this Kingdom; that if the City of Rochester suppose should in Time precede or exceed that of Canterbury, that then the Bishop of that See ought to be the President of this Province. Upon this Head, there is another great difference: the Asserter of the Power of the L. H. is plain, that the Authority of Proroguing is purely founded in, and derived from the Authority of Convening. (p. 3. c. 1.) So as the Archbishop, when he had a Power of Assembling the Clergy, the Natural and Necessary Result was, that He had a Power of Proroguing them. But the Publisher of the Narrative thinks otherwise; He imagines that the Archbishop when He Alone assembled the Synod, He did not Alone Prorogue it, but He and his Brethren Adjourn'd the whole Synod.—Those Ancient Synods were not Adjourn'd by the Metropolitan's Authority Alone as President, but by their own Consent. (*Pref.* p. viii.) It makes a Cause Perplext and Dubious, when our Friends do so open it, as to fall into perfect Opposition, and leave Us under the hardship of dissenting from one Side or other.

VI. As to the present Stile and Title of the Archbishop in Convocation, the Presidency of the Archbishop over the Convocation of his Province, and his Graces title of President are both expressly acknowledg'd by Dr. Atterbury in his Dedication, to the Archbishops of the Provinces, and Presidents of the Con-

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Convocations of Canterbury and York. And it is upon this Supposition that He observes, *My Lord's Grace of Canterbury is never so considerable, as when He is at the Head of the Clergy of his Province.* (Rights, Powers, &c. Pref. p. xix.) the Narrative, and even the Publisher of it (who need not have bestow'd any titles of honour on the Archbishop, that were not due or not proper to Him) give him frequently the like Appellation of President, and acknowledge his Office of Presiding. But then on the contrary, the Author of the Power of L. H. does assure Himself and Us that the title of President as apply'd to the Archbishop is wholly New, and unknown to all Elder Convocations.—Unaccurately so call'd—The Archbishop can never properly be stild President of the Convocation, but when the two Houses are together, and then it implies rather a Diminution than an Encrease of his Authority; For then indeed He is the Chair-man or Moderator of the whole Assembly (p. 18. c. 1.) He freely tells us, that Our Representative the Prolocutor is the Greater Man, and has the juster title to the Name of President, Head and Governour. There is nothing singular in this notion of representing the Prolocutor as Head, President or Governour of the Lower House. (p. 9. c. 2.) Remember my Duty to the Prolocutor. But if I should have occasion to apply to the Archbishop in Convocation; I pray, Sir, consider what directions to give Me; Shall I Address to Him under the title of President, as Dr. Atterbury did, even when no Convocation was Sitting? Or shall I omit this Stile, as wholly New, Unaccurate, and Improper, as the later Author does observe?

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VII. As to that Power of the Archbishop in calling up the Members of the Lower House, to appear in the same Place with his Grace and the Bishops at the beginning of every Session. The Narrative represents it as a mighty Grievance, that his Grace should require the whole Clergy; or the Prolocutor only with two or three Members, to come to Jerusalem Chamber, before they form'd themselves into a House in Hen. VII. Chapel. They comply'd unwillingly for some time with a *Salvo Jure*, and afterward they justly refus'd to go. (Narrat. p. 11. &c.) But then the Vindicator of the lower House, who rarely betrays the Privileges of it, He says, the Archbishop may call them at any time, when he has occasion to declare any thing in the presence of the Clergy themselves. The Archbishop having an undoubted Right to send up for them at Pleasure, and making use of that Right frequently upon other occasions. (p. 8. c. 2.) Were You and I in the House, Sir, how should we behave Our selves? Should we interpose a Protestation of Right, and at last exert that Right in refusing the Archbishop's Call to that Place, as the Narrative by Doctrine and Example commends to Us? Or should We yield the Archbishop's Right undoubted, and leave the Exercise of it to his Pleasure, as the other Writer does advise Us?

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VIII. As to Members attending the Lower House, how, they shall obtain Leave to absent from it. Must they ap-

ply to the Archbishop as President for his Leave to excuse their Absence? Or must they ask Leave of their own House to go into the Country? The first indeed was practis'd, when We Slept over our Priviledges; but now the Dream is out, it is fit we should insist upon the common Rights of a House. To which purpose the Asserter of the Power of the L. H. must directly mean This among the Rights and Privileges absolutely and indispensably necessary to the Being of an House (in the Parliamentary Sense of the word) which We must have, by virtue of our Origin and Alliance with the House of Commons (p. 2. c. 2.) And accordingly in the late Sitting, the Members were taught the Privilege of asking the Houses Leave, and delivering their Proxy to the Prolocutor, without any Application to the Archbishop; As was actually done by the Vice Chancellor of Oxford, and some other Members. But yet to condemn their Practice, a Committee of the Lower House declare, We deny not that his Grace has a Power of demanding the Attendance of Our Members: But We have likewise. If therefore, either the Archbishop or the Lower House give a Leave of Absence, it is of course to be interpreted, so far only as the Claim of them that give it is concerned. So that the Member is not perfectly at Liberty without Leave from Both. (Narrat. p. 49.) If I ever come into that House, and desire to come home again, what course shall I take? Shall I go only to the Archbishop, and think his Leave sufficient, as all are said to have done in former Convocations, and some did in this Last? Or shall I go no farther than our own House, and take their sole License of absenting? as Dr. A. has taught, and the Vice Chancellor of Oxford did learn of Him? Or must I rather be at a double trouble, and not think my self at Liberty to go without Leave from Both; As the Narrative and Committee in it?

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IX. As to Place or Places in which the Convocation is to Meet and Sit. Is this an Affignation at the Archbishop's pleasure, if the King's Writ does not restrain him? Or has He nothing to do with changing of the Place without the King's express Order, or the Lower Clergy's express Consent? The Committee are of the first opinion: We dispute not the Archbishop's Power of calling the Convocation to S. Pauls, or Westminster, or Lambeth, if the King's Mandate leave it to his Graces discretion. i. e. if the King's Writ empower the Archbishop to call the Bishops and Clergy of his Province before Him, in Ecclesia Cathedrali S. Pauli London. vel ALIBI prout melius expedire videritis. And this they sufficiently import to be at the Archbishop's pleasure, not only at first Meeting, but on other occasional Removes, from Pauls to Westminster, from thence to Lambeth, or the like; provided in every General Place the Lower House have a particular Apartment, a Locum solitum or usual Room assign'd to them. It seems not improbable, that such an Affignation formerly was an effect of his Graces Care in providing for Us, &c. (Narrat. p. 40, 41.) But the Vindicator of the L. H. is on the other hand of thinking, that

that the Clause *vel ALIBI* does not vest the entire Right of appointing the Place in the Archbishop. At least, this Writ conveys to the Archbishop no Power in point of Place, but what regards their first Appearance only.—And therefore when they are once Met, the change of Place must either be by the Joint Consent of the Body, or after they are form'd into two distinct Houses, by the consent of each House apart. (p. 10. c. 1.) To which side, Sir, of this Question do you incline? Will you allow the Archbishop Liberty of appointing the Place from time to time, (if the King leaves Him to that Liberty by the Clause of *vel Alibi prout melius expedire videritis*) as the Committee does acknowledge? Or will you say with the other Writer, that after first Appearance, the Archbishop has no power at all in point of other Place, but by consent of the whole Body together, or by the concurrence of the two Houses apart?

Exposition
X. As to the Clause *IN HUNC LOCUM* in the Archbishop's Schedule of Prorogation. The Question is, whether the words *in hunc locum* may be taken at large for a General Place, as Westminster; or the particular Room in which the said Schedule is Sign'd and Read by the Archbishop, as Jerusalem-Chamber? This latter part of the Question is defended by the Pleader for the Power of the Lower House. He says expressly, By the Schedule of Prorogation—his Grace continues to such a time and *IN HUNC LOCUM*, that is, to the VERY ROOM where such Continuation is made. So the Lower House is continued in *hunc locum*, i. e. to the very Room where the Clergy then Sit, and are to meet next. As the Archbishop by the words *in hunc locum* Prorogues not to Hen. vii. Chapel, but to the Jerusalem-Chamber. (p. 8. c. 2.) This is Plain and Positive as words can make it. Yet the Narrative reports the House to be of a quite different Opinion. Nor did We apprehend that the words *IN HUNC LOCUM* in the Body of the Schedule last mention'd, might not mean the General Place, the Church of WESTMINSTER, in which We both Sate; but were design'd by their Lordships to mean their distinct Room the JERUSALEM-CHAMBER. (Narr. p. 10.) And to salve an Objection that naturally rises when the Schedule is pronounc'd in the Lower House, They say, If it should be said that the words *IN HOC LOCO* pronounc'd out of the Archbishop's Schedule must needs signify that Particular Place in which the Archbishop sign'd the Schedule, We reply, —The Lower House ALWAYS understood that *LOCUS* to be some common Place, as St. PAULS, or WESTMINSTER, in which the Convocation was to Meet. (Narrat. p. 26.) Pray inform Me, Sir, which of these two Interpretations so repugnant shall I follow? By *hunc locum* shall I understand the Particular Room in which the Act is done and declar'd, as Jerusalem-Chamber? Or shall I apprehend it to be only the General and Common Place of Meeting, suppose Pauls or Westminster? I have refer'd it to the Master of B. School, but He has not yet resolv'd Me.

XI. As to the Explanatory Phrase, *vulgo vocat. Jerusalem-Chamber*. You know when the Lower Clergy could not understand in *hunc locum* to mean their Lordship's Particular Room, it was then specify'd to remove all doubt and scruple, in *hunc locum vulgo vocat. Jerusalem-Chamber*. This explanation was some times inserted in the Schedules, and was afterward left out. The Question hence arises, whether when these additional words *vulgo vocat. Jerusalem-Chamber* were at last omitted, his Grace and the Bishops then drop the Claim, and quitted the Expectance of the Prolocutor, and some Members appearing in the Upper House at the Beginning of each Session? Or whether their Lordships letting fall the words as no longer needful, still kept up the same Claim, and still might have the same Expectance? The first of these is the Declaration of the Narrative under Sess. viii. Martii 18. In the Schedule sent this day, the words *vulgo vocat. Jerusalem-Chamber* being again omitted, and never after used: The Lower House Adjourn'd without a *Salvo Jure*, and never after attended, nor as they conceive were expected in Jerusalem-Chamber. (Narrat. p. 28.) But the Author of P. L. H. seems better to know their Lordships Mind, that They might Expect them, and had the same Right to their Attendance. Tho' in his Graces Schedules the explanatory words *vulgo vocat. Jerusalem-Chamber* were afterwards omitted, yet the Obligation of the Lower Clergy to attend there every day, by virtue of the words in *HUNC LOCUM*, was never formally disclaim'd by the Bishops; nor can it consistently with the present Scheme they are upon, be ever disclaim'd by them, (p. 1. c. 2. p. 2. c. 1.) To which opinion shall I trust? That his Grace by leaving out the Explanation in his Schedule has given up the Right or Claim of the Lower Clergy's Attendance at the opening of a Session; Or that Omitting the words does however not discharge the Clergy's Obligation, which has not been, and never can be disclaim'd?

XII. As to the Time of the Lower House Adjourning, and *Adjournment* their Days of Meeting. You know well, We take for granted the Lower House can Adjourn Separately and Independently from the Archbishop and Bishops; and can hold Sessions of their own upon Intermediate Days without any Restraint by the Schedule of Prorogation. But then a Question may depend, whether the Lower House may not be still oblig'd to meet upon the same Day that is fix'd by his Graces Schedule, and only in that interim hold their Separate Meetings? Or whether their inherent Right to Adjourn themselves, does not give them Liberty full and Indefinite, as well beyond as within the Day of the Archbishop's Prorogation? The Vindicator of the Power of the Lower House is for this absolute and unrestrained Right, as Inherent and Inseparable from the Notion of a House, Sitting and Rising at Discretion. (p. 1. c. 1.) He urges the Precedent of 1640. and would have the Reader observe, that the Lower Clergy on one of

of those days adjourn'd short of the Bishops, and on the other beyond them, (p. 12. c. 2.) And if there was any Dispute of this, it was certainly carried on the Clergy's side, (p. 13. c. 1.) They declin'd to meet the Bishops on May 9th, and adjourn'd over them to May 13th, — this is no illegal step, — if they had not had Precedents of this kind upon their Books, they would not then have first ventur'd to make them, (p. 14. c. 1.) And yet the publisher of the Narrative, recedes from this inherent Right, and puts a Limitation upon the Lower House, that they must not go beyond the Bishop's Day. The Writer of the Letter charges the Lower House with claiming a Power, not only of continuing themselves to any day in the Interval of the Archbishop's Prorogation; but may if they please Adjourn themselves beyond the day to which the Archbishop had Prorogued, and not meet his Grace and their Lordships upon the said Day. The first of these is indeed a Power, which we think we have a just Right to, viz. a Power of Adjourning to an Intermediate Time; but the latter, viz. a Power of Adjourning beyond their Lordships, and not meeting at that day, is what we never pretended to, but utterly disclaim, as is very well known to All that were present at our Debate. For whenever such a Power was mention'd (as it often happen'd to be by Persons who mistook the extent of our Claim) the House ALWAYS gave it up, nor do I remember so much as one single Man who ever contended for it, (Præf. p. 12.) And yet the Narrative it self is more dubious and reserv'd, we do not deny, but that when the Time and Place to which his Grace and his Brethren have Adjourn'd shall be duly signify'd to Us, WE MAY BE OBLIG'D to be then sitting in a Room of our own in that Place, in readiness for a Communication with their Lordships, (Narrat. p. 8.) As to Time, the Question is not, whether the Lower House are bound to hold a Session in their own House at the Time to which the Lords shall Adjourn. For We dispute not, but We may be so oblig'd, (Narrat. p. 16.) And even the Author of the Power of the Lower House begins to be sometimes diffident of this matter. He would have it a new Question, not yet decided: and would distinguish upon it, whether the House, by the Antient Custom of Convocation be not oblig'd to meet the Bishops at the Day which they shall appoint? I will not say but they are, if any Synodical Business be then in Agitation, (p. 20. c. 1.) But I must confess, Sir, I do not love trimming and dancing. The plain Question is, Have the Lower House a Power or not a Power to adjourn beyond the Day prefix in the Archbishop's Schedule? Be clear with Me in your own Opinion, Do you think it safer to rest in the full and Unconditionate Claim of Adjourning at pure Discretion of the House? Or would You have them recede from such unlimited Power, and be content to exercise it with a deference to the Archbishop's Day, within only, never beyond that appointed Day?

XIII. As to a Negative in the Lower Clergy upon the

Archbishop and Bishops. There is no Dispute but in all final Decrees and true Synodical Acts that must pass the Metropolitan and both Houses; There each one have a Negative upon the other; because a common and joint consent must be included. But the Question is, whether in the Antecedent and Preparatory Methods of Discipline and Order, in Meeting, Dividing, Debating, Discontinuing, Returning, and such other necessary Ways and Means of coming at the end of Resolutions and Decrees; whether in these Externals and Preliminaries the Archbishop can direct and order by Counsel and Consent of Suffragans, as seems Best to him and Them? Or whether the Lower Clergy have not a Negative in all such Intermediate Rules as well as in all Ultimate Acts, and can at pleasure dissent from any such Proposal? Our Friend that vindicates the Power of the Lower House expressly gives 'em a compleat Negative even in Circumstantial; He says the Right of disagreeing to the Proposals of the other House, is necessarily involv'd in the Notion of a House. The want of such a Power would destroy the Nature of a House, and defeat the Ends of it. (p. 2. c. 2.) They must in every Proposal have a final Dissent, or else 'tis Allowing the Clergy a Negative as to the End, but not as to the Means which are necessary to come at that End. (ib.) And yet the Publisher of the Narrative (whether with less Courage or with more Discretion judge You) has deny'd the Clergy this Negative at large, of so much credit and advantage to them. He thinks, when his Grace has Prorogued to a Day, the Clergy have no Negative as to Appearing on that Day. And he founds the Reason of it on the Mischiefs of having a Negative Power in preparatory and subservient methods: because such a Power might be so abus'd as to defeat all the Ends of Meeting: If we might refuse to meet on that Day to which his Grace has Prorogued, it would be in our Power to accomplish a Design, that nothing at all should be done. (Pref. p. 13.) I am for the Truth of things, without being nicely concern'd for the consequence of them. And therefore, if You give me your Judgment, that the Lower House have a Negative in All things, as well small as great, as well Conducing to the End, as Determining of it. Then I shall renounce the too Wary Publisher, as betraying the Rights that He ought to have roundly defended.

XIV. As to Appointing Committees in Convocation. You and I are agreed that the Lower House has Power to appoint its own Committees to sit *de Die in Diem*, in the Interval of ordinary Sessions. But pray is this an Argument or no Argument for Intermediate Adjournments? May not the House it self Sit upon any Day when the Committee Sits? Or may a Committee as Part of a Body have liberty to Sit and Act when the whole Body is suspended from Acting or Sitting? Why, the Power of the Lower House makes it evident, that if Committees of the

House
operation can do no act as such but justify what they do by way of preparation it is but of
the reflecting of humane thoughts as variable as the Arts of the intellect & sense
they are negative or Affirmative & as the Harmony is between them without which
there can be no external act at all Done but as preliminary of debate

House have sate in the Interval of Session, then the House might have sate in the same Interval if it had pleas'd. For the *Lower House* was certainly at Liberty to have sate at these Times when they order'd such Committees to Sit. For this I take to be a sure and self-evident Rule, that no Committee of any Body can sit by Authority of that Body, but when the Body it self might have sate if it had pleas'd. (p. 5. c. 1.) But then if Committees, suppose of the Upper House, have actually sate within the Day of Prorogation, during which time without revoking the Act of the Schedule, the House it self could not have Sate; Nay, and if a Committee of Both Houses have been Able to sit, even after the whole Convocation has been Dissolv'd, and so impossible for either House to have sate at that Time: Then this Fact contradicts the other Notion, And this Fact now is asserted by Dr. A. and the Consequence of it own'd, that Committees may Sit on, when the Houses themselves could not have sate. They had a famous old Precedent (in 1480,) of such a Committee of Both Houses of Convocation acting by its Appointment and Authority in the Interval of its Session, i. e. after its Dissolution, (*Rights, Powers, &c. Addend. p. 613.*) This He takes to be the Pattern which the Convocations about the time of the Reformation follow'd, (ib. p. 614.) when Committees were consented to by the Convocation as well as named by the King, upon Business not restrain'd to the present Session of Parliament or Convocation, (ib. p. 190.) Tell Me which Scheme is most Plausible, this of the Author of *P. L. H.* that a Committee cannot Sit, but when the House may Sit, because the Committee subsists by a Power derived from the House? Or, that of Dr. A. that Committees of Convocation may Sit when the Houses cannot possibly Sit, even after Dissolution.

XV. As to the Power of the Prolocutor in intimating the Schedule of Prorogation. We do not believe our Adversaries, when they pretend to prove by the Constitution of our Synods and the continued Custom of 'em, that the Prolocutor is oblig'd to intimate the Archbishop's Act, when in a Schedule or formal Instrument it is brought down to Him; as a Duty which He owes the President, and as a Justice due to the Members of his own House included in it; because by his Office of Referendary, He is bound to relate all Orders and Messages from the Archbishop and the Upper House. But we think, He may take this Schedule and detain it in his Hand or elsewhere, He may post-pone the Mention of it to any other Business, and it must be with consent of the House, that He shall at last intimate their Lordship's Time, as not affecting their own Adjournment. The only Question is, when the Prolocutor so intimates, does He do it by any exercise of his own Authority? Or, is He purely Ministerial to the pleasure of the House? The Narrative gives an Authority vested in him, or at least connoted to

him, in this Act of Intimation. But, the Author of *P. L. H.* resolves all into Authority of the House, and makes the Prolocutor only the Organ of Conveyance, to speak out the sense of the House. In Ecclesiastical Courts, the word *INTIMATE* is commonly a word of Authority in him that uses it. And often in the Language of Councils, it is in this Case the known Term of the Superiour in whom the Power is vested, (Append. p. 11.) 'Tis well known, that *INTIMARE* in the general Acceptation, means no more than simply and barely *TO GIVE NOTICE*, but sometimes according to the occasion upon which it is us'd, or the Person that uses it, it *CONNOTES* an Authority either Supreme, as in the Church of *ROME*, if the Pope use it; or Subordinate, as it here does in the Prolocutor, who gives the House the Authentick Notice of an Adjournment not made by his own Determination, (Narrat. p. 10.) But, I say, the *P. L. H.* takes off all Authority direct or indirect from the Prolocutor, and makes him the pure Instrument of the House. Where the Prolocutor is said *INTIMARE CONTINUATIONEM*, it can signifie no more than that the Prolocutor, as the Mouth of the Lower House, declar'd the time to which it Adjourn'd, (p. 8. c. 1.) The Archbishop really presides over but one House, and the Prolocutor over the other, tho' the truth is, that neither the Archbishop as presiding over the One, nor the Prolocutor as presiding over the Other, prorogues either of them; but each House prorogues it self, and the proper Person in each, *INTIMATES* or Notifies the Prorogation, (p. 18. c. 1.) Where, tho' He seems indeed to detract from the Authority of the Prolocutor, in reference to the House wherein He serves; yet He makes it up in giving him equal Title and equal Power with the Archbishop: Both of 'em the Mouths and Organs of their respective Houses, to intimate or notify the Act of each House. And if this do not satisfy the Prolocutor, He makes him still greater Amends: For, He calls him expressly the Head of his House, (p. 9. c. 2.) while he calls the Archbishop to keep him Humble, a Chief Member only, (p. 15. c. 2.) But, I propose the Question only, Whether an Intimation of Adjourning given to the House by the Prolocutor, does denote a Power vested in Him? or does connote his subordinate Authority? or does imply nothing at all but his subserviency to the Will of the House?

SIR, These Differences, and indeed direct Contrarieties, are in Matters of Opinion and Judgment: There be some Others in Matter of Fact and Practice, wherein I desire to be satisfied, that I may know how to Determine my self, and to settle my Friends.

XVI. As to the Issuing out of Summons for the Convocations of each Province, concurrently with new Parliaments since the Revolution. It is known, that from 1689 to 1700, no Convocation has formally

been regularly issued unless legally according to the first appointment of the House

Sate, because they pretend there was no Business for 'em. The Question is, Whether the Writs however, have not been regularly Issu'd? Or, Whether the very Writs have been dropp'd and suppress'd, with design to break the custom of Convocation-Writs? The Narrative indeed tells us, there has been no default in the Forms of Summoning. During the long Interval of Sitting-Convocations, the Summons have indeed been REGULARLY ISSUED, but at the same time the effect of 'em has been prevented, (Narrat. p. 2.) But on the contrary, Dr. Atterbury had before told us, That upon calling of a New Parliament, the Writ for the Province of York has been dropp'd; and that it may so happen, that when another Parliament is call'd, the Writ for the Province of Canterbury shall be forgotten too, (Rights, Powers, &c. Pref. p. 11, &c.) And tho' Dr. Kennett would have seem'd to vindicate the Government from this Reflexion, which He would repute to be a Slander on it. Yet a later Author (who saying the same thing, is thought to be the same Man,) in vindicating the Power of the Lower House, does repeat this Charge of stifling the Writs, and says with Assurance, A Practice suitable to this Doctrine was coming on apace; the Convocation Writs were dropp'd in IRELAND; and the Writ for one Province here in ENGLAND was stifled, and no words made of it; nor was it known how soon the Writ for the Other might follow, (p. 23. c. 1.) I must consider therefore, whether this latter Story is not most credible; tho' the Answerer in his Right of the Archbishop, &c. does again utterly deny it, and says, the resuming that groundless Charge could be nothing under extreme Malice or Infatuation, (p. 132.)

XVII. As to the Causes, why Convocations have not alway Sate and Acted concurrently with Parliaments. The Question is, Whether such Intermiissions, or not Sitting Convocations, were so design'd and contriv'd by some of our Governours, to depress the Lower Clergy, and in effect to deprive them of their Fundamental Rights? Or, whether it was generally done at the Desire, or with the Approbation of the Lower Clergy themselves; to excuse them from unnecessary Attendance; and to defend them from some Trials which (if they had Sate on) might have been put upon them. By reading Dr. Atterbury's Book in both Editions, I never question'd, but that the not suffering the Clergy to sit and Act in Convocation, was a violent Interruption of their Rights, and a New Grievance of the Church of England peculiar to the present Reign. And even the Author of P. L. H. makes the same Observation of the Steps taken of late Years towards suppressing the Rights and very Beings of Convocations. — And the worst Circumstance of All was, that they who should have screen'd the Lower Orders from such Encroachments as These, were so far misunderstood, as to be thought Conjointing to them,

and in the Measures of them, (p. 23. c. 1.) But now the Narrative in this respect, casts no manner of Reflexion upon any Governours in Church or State, but rather believes, that the frequent Intermiissions of Convocation were generally Allow'd by the Clergy in the late Reigns, in 1680, 1681, and 1685. Those Convocations, for Reasons not disallow'd by the generality of the Clergy, were none of 'em form'd into a Body. And, even in the present Reign, in the Year 1689, considering the Circumstances of that Convocation; in which the Clergy, for known Reasons, were so far from asserting their Right of continuing themselves, that NOT TO SIT at that time was rather their desire, (Narrat. p. 40.) Where shall the Fault lye? Upon the King suppose and Archbishop, who might have put the Convocations into a capacity of doing Business? Or on the Inferiour Clergy themselves, as declining to Meet and Sit, on a desire of doing Nothing, for fear of doing Mischief?

XVIII. As to the Rise of the Dispute about Adjournments in the last Convocation. That such a Dispute did Arise, is very Notorious. The Question is, How and When it did Arise? The Assertor of the Power of the L. H. is confident, that this Dispute between the two Houses concerning the Power of Adjournment, took its Rise from the words IN HUNC LOCUM in the Archbishop's Schedule of Adjournment, (p. 1. c. 2.) This, I find, was in the Third Session, Feb. 25. But the Narrative of Proceedings, which One would think more punctual, says expressly, They were the two Questions which gave the first Rise to our Dispute, (Narrat. p. 11.) This I perceive, was in the Fourth Session, Feb. 28. Which of these two Days, and which of these two Occasions shall I take to be the right? Or, shall I rather take up with a third Account given, differing from Both the Other; and delivered by the Committee which drew up an Answer to the Archbishop and Bishops, presented May 8. wherein they say, That the Question concerning Adjournments must be needs imputed to the coming down of a BISHOP commission'd by his Grace; which you know was the very first Meeting in Henry the Seventh's Chapel, on Feb. 21. I am the more solicitous to know, which one of the three Accounts is true, because in the composing of a Controversy, much may depend on the very Rise and punctual Occasion of it.

XIX. As to the Lower Clergy making a distinct House from the Bishops. No one questions, but 'tis the Constitution of our Provincial Synods. But, did not some bold ignorant People seem to deny it at the beginning of the last Convocation? So says the Vindicator of P. L. H. To deny the Lower Clergy, even after the Choice and Approbation of their Prolocutor to be an House. This was much thought of and talkt of at the beginning of the Debate, while some of the

Disputants were as yet Raw in the Knowledge of such Matters. But the Narrative not only conceals this. Rawness of the other Party, which should have been expos'd; but it unluckily contradicts the charge upon 'em, and says, *The Inferiour Clergy sitting and sitting Apart from the Bishops, and as a Distinct House from them, has never been so much as QUESTION'D, that we know of, since they first did so to THIS DAY*, (Narrat. p. 6.) I am yet afraid to assert either of these Reports, because of their direct Repugnancy to One Another. But, let me know which is true; for I would willingly espouse the Truth.

XX. As to the Convocation in 1540, that annull'd the Marriage of ANNE of CLEVE. Was it a National Synod of extraordinary nature, who acted by immediate Commission from the King in one House? Or, was it like an ordinary Convocation of two Houses, whose Proceeding may be a Precedent for the Clergy of Canterbury Province? Dr. Atterbury represents it of the first Kind, of singular Right and peculiar Practice. What has not been hitherto observ'd, the Cause of ANNE of CLEVE was adjudg'd not in a Convocation properly so call'd, but is, in a Provincial Synod, but in a National Assembly of the whole Clergy of either Province, (Rights, Powers, &c. p. 400.) Yet the Vindicator of P. L. H. does cite the exact Process of that Transaction still remaining, and does apply it to the present Dispute, and makes it a clear Argument, That the intermediate Adjournments of Convocation, must be at the Will of the Body expressed either Apart, in the several Houses of it, by a Majority of Voices in Each, or when the two Houses shall be together by a joint consent of the Whole, as the Matter pass'd in this great Affair of ANNE of CLEVE, (p. 4. c. 2.) I must consider of this; tho' the other Side pretend it plain, that the first was a right Doctrine, and therefore this latter a most false Application.

XXI. As to the Abstract or Abridgment of the Acts of the Upper House of Convocation in 1586. The Question is, Whether it be Punctual and Authentick? Or, Whether Suspicious and Imperfect? Dr. Atterbury did say, That It was a GOOD Abridgment of the Journals of the Upper House, (Rights, Powers, &c. Addend. p. 647.) And again, That it is Full and Particular, giving an Account of the Acts of this Convocation, and of the Instruments contained there, day by day, and leaf by leaf, (ib. p. 662.) But this Abridgment so happening, as to give advantage to our Adversaries in proving the Sessions of each House to have been alway Coincident: Therefore the Vindicator of P. L. H. does, I presume, justly reject this Abridgment, as of little Value and very slender Authority. We have indeed a short Abstract or Index of the Bishop's Journal in 1586, and 1588. — But the Sessions in the Abstract are not so clearly taken. — This Ab-

stract therefore is no clear Authority, &c. (p. 13. c. 1.) Till I see the Abstract it self, how can I judge which of these two opposite Characters do best become it? I would only desire You upon this and the like Occasions, not to believe Common Fame, That Dr. Atterbury was the Author of these three Sheets of P. L. H. because in this and many other instances of Opinion and Fact, this Author differs from Dr. A. most entirely. Don't you credit the Report, that Dr. A. himself has often own'd it, and never once disclaim'd it. And never be persuaded, that a Second Edition of the Power of the Lower House to Adjourn it self, shall come out with the Name of Francis Atterbury, D. D. in the Front of it.

XXII. As to the Convocation in 1640, that Sate on, and was commission'd to Act after the Parliament was dissolv'd. Was this reputed an Illegal Thing? Was the Parliament of this Opinion which met next after? Is it probable, that the Parliament of 1660 were of the same Mind? Or, Was it only the Convocation loosen'd from the Parliament, and so brought nearer to a pure Provincial Synod? Dr. Atterbury was clearly for its being an Arbitrary Stretch of Prerogative. He says, The Parliament that next met, voted the Canons Illegal chiefly on this Head. — I will not say, the Parliament of 1660 were certainly of the same mind, though it is probable they were; and that this was one, if not the chief Reason, why they excepted those Canons from a Parliamentary Confirmation, &c. (Rights, Powers, &c. p. 66, 67.) And yet the Author of the P. L. H. makes no such Censure of Illegality; but calls it only an extraordinary Continuance of the Assembly, — when the whole Body of the Convocation loosen'd it self from the Parliament, — which brought them nearer to the Methods of pure Provincial Synods, &c. (p. 14. c. 1.)

XXIII. As to that Convocation meeting after the Parliament was dissolv'd. The P. L. H. is satisfy'd that the Convocation did meet on May 6. the day after the dissolution of the Parliament May 5. The first particular in Heylin's account, that the Bishops and Clergy met on Wednesday May 6. is I suppose true, being expressly confirm'd by FULLER, and agreeable to the Practice of Convocation. (p. 14. c. 2.) But then the Appendix to the Narrative does suppose this to be false: does suppose no Session at all on May 6. but an Afternoon Meeting on May 5. after the Parliament had been that Morning dissolv'd, at which time the Upper House adjourn'd to May 9th. and the Lower House to May 8th. (Append. p. xxi.)

XXIV. As to the Adjournment of the Lower House on May 8. 1640. The Author of P. L. H. makes no doubt, but they declin'd the Bishops Day, May 9th. and leapt over it to May 12. And if the Right of forefusing the Bishops day was ever question'd, it was plainly carried on the Clergy's side. (p. 12. c. 2.) But the

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the Publisher of the Narrative, He denies the pretence of any such thing: He says, *We disown any pretence of such a Power (i. e. of adjourning beyond the Bishop's day) and as for that one Precedent (i. e. this of adjourning May. 8. over May 9th. to May 13.) by which 'tis said we pretend to warrant it, I could easily shew the Insufficiency of it, if it were needful.* (Pref. p. 13.)

XXV. As to what was done upon this May. 13. 1640. There were some Acts read concerning the Privileges of the House. But what did these Privileges relate to? to the Lower House adjourning separately from the Bishops? Or to the whole Convocation Sitting separately from the Parliament? The Author of *P. L. H.* says, It was about the Privilege of separate Adjournments, for which the Clergy seem to have been this day question'd, and to have carry'd the dispute on their side. (p. 12. c. 2.) But the Appendix to the Narrative is confident that these Acts about Privileges were clearly upon another matter, about the Convocation Sitting after the Parliament, in which the Members of the Lower House were not All of 'em fully satisfy'd, and for this Reason such Acts of the Lower House as related to their Privileges were this day read. (Append. p. xxii.)

XXVI. As to the Power of the Prolocutor in formerly administering Oaths. He is sometimes found to have administered Oaths in the Lower House: but the Question is, whether He did this in Right of his Office? Or whether He did it by Commission from the Archbishop? The Vindicator of *P. L. H.* goes this latter way, and says, In 1586. the Prolocutor was put into the Archbishop's Commission for Proroguing the Upper House; in order I suppose to empower him to give Oaths, as He did at the trial of an Election that day below. (p. 7. c. 2.) But the Narrative asserts it to be an inherent Power in the Prolocutor without any Delegation from the Archbishop. The Prolocutor is said to Administer an Oath, not by the Archbishop's Mandate, —but we are well assur'd; He has power to do it by virtue of his Office. (Narrat. p. 34.) Pray resolve Me, if any controverted Election shall be tried in the Lower House this next Convocation, shall the Prolocutor examine the Witnesses upon Oath? And if He do, must he take a Commission for it from the Archbishop? Or may he do it by virtue of his Office, and the inherent Rights of his Chair?

XXVII. As to the Adjournments of each House Apart to the same Time. 'Tis well known, the Continuatioⁿ and Sessions of Upper and Lower House

of Convocation have been concurrent or coincident with one Another. But the Question is, were such concurrent Sessions Stated and Necessary? Or were they Arbitrary and Accidental? The Asserter of *P. L. H.* would first question the very Supposition. It can never be made out that the Prorogations in both Houses were alway concurrent—but then He supposes the Prorogations of each House have been ALMOST ALWAYS to the same time—yet this by Chance or Confederacy—Might not two Bodies—agree to make their Adjournments coincident for mutual convenience? &c. (p. 19. c. 2.) And yet the Publisher of the Narrative says, This was not for Convenience but for Necessity. Who says they fell by chance upon the same day? The Adjournment of the Upper House is alway notified to the Lower, or else how should We indeed meet their Lordships at their own day, which we own Our selves OBLIG'D to do. (Pref. p. xix.)

XXVIII. As to the different Sentiments of Some Members in Each House. 'Tis certain, the Members were not perfectly Unanimous in either House of your last Convocation. There was in the Upper House a large Majority of Bishops for their Metropolitan, and in the Lower House a large Majority against Him. Now the Question may be, whether a Majority imply a Right Side? Or whether a Few Members dissenting from All the Rest may not for all that be Men Eminently Wise and Good? The Publisher thinks any distinguishing Character given to the Minor Party is in opposition to their Brethren the Majority, and therefore such a distinction should by no means be apply'd to the Upper House (Pref. p. v.) And yet the Vindicator of the Lower House, He will have this distinction put upon the Upper, and dwells on the commendation of three of the whole Bench against a large Majority of them; and would have it, to their great Honour be spoken, that they have all along, (i. e. at least three times of twenty,) in this Dispute, dissented from the Majority of their House, Prelates of great Experience in Church Affairs, and such as have sit longer in their Sees than almost any of their Order, (p. 23. c. 2.) I rather desire, it may be thought decent to commend a Less Number dissenting from a much Greater; for fear the time may come, when by some Accident or other, the Members of the Lower House opposing the Archbishop and Bishops, may come to be much the Smaller Number. And then, SIR, as You and I would have the courage to be of that weaker Side, so we would have the comfort to be thought Men eminent for Learning, Piety and Wisdom.

13A The house of Protestation

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